

St. Louis City Ordinance 63464

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 297

INTRODUCED BY ALDERMAN JOSEPH RODDY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in part of Berthold beginning at a point 260' east of Hereford and extending 130' west of Hereford to a point; Hereford beginning at Berthold and continuing southwardly 475.79' +/- 25' to a point; part of Wise beginning at Hereford and continuing eastwardly 140' to a point; part of the 15' wide east/west alley in City Block 5592 beginning at Hereford and continuing eastwardly 140' to a point and being bounded by Berthold, Kingshighway, Wise, and Hereford in the City of Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Berthold Avenue, 60 feet wide located in the City of St. Louis, Missouri and further described as follows:

Beginning at the intersection of the south line of said Berthold Avenue with the east line of Hereford Street, 50 feet wide, said point being the northwest corner of lot 101 of Block 3 of Boulevard and Park Subdivision in City Block 5592; thence along said south line of Berthold Avenue in an easterly direction 260.00 feet to the northeast corner of lot 94 of said Block 3; thence departing said south line of Berthold Avenue in a northerly direction along a line parallel to said Hereford Avenue 60.00 feet to the north line of said Berthold Avenue; thence along said north line of Berthold Avenue in a westerly direction 440.00 feet; thence departing said north line of Berthold Avenue in a southerly direction along a line parallel to said Hereford Street 60.00 feet to the south line of said Berthold Avenue, said point being the intersection of the east line of a 15 foot wide alley running north and south in Block 2 of said Boulevard and Park Subdivision in City Block 3996 with said south line of Berthold Avenue;

thence along said south line of Berthold Avenue in an easterly direction 180.00 feet to the point of beginning and containing 26,400 square feet (0.606 acres).

A tract of land being part of Hereford Street, 50 feet wide located in the City of St. Louis, Missouri and further described as follows:

Beginning at the intersection of the south line of Berthold Avenue, 60 feet wide, with the east line of Hereford Street, 50 feet wide, said point being the northwest corner of lot 101 of block 3 of Boulevard and Park Subdivision in City Block 5592; thence along said east line of Hereford Street in a southerly direction 475.79 feet to the north line of a 15 foot wide alley, said point being the southwest corner of lot 28 of block 1 of Boulevard and Park Subdivision in City Block 3996; thence departing said east line of Hereford Street in a westerly direction along the north line of said 15 foot wide alley 50.00 feet to the west line of said Hereford Street, said point being the southeast corner of lot 29 of block 2 of Boulevard and Park Subdivision in City Block 3996; thence along said west line of Hereford Street in a northerly direction 475.77 feet to the south line of said Berthold Avenue, said point being the northeast corner of lot 43 of Block 2 of Boulevard and Park Subdivision in City Block 3996; thence along said south line of Berthold Avenue 50.00 feet to the point of beginning and containing 23,789 square feet (0.546 acres).

A tract of land being part of Wise Avenue, 50 feet wide, located in the City of St. Louis, Missouri and further described as follows:

Beginning at the intersection of the east line of Hereford Street, 50 feet wide, with the north line of said Wise Avenue, said point being the southwest corner of lot 44 of block 3 of Boulevard and Park Subdivision in City Block 5592; thence along said north line of Wise Avenue in an easterly direction 140.00 feet to the southeast corner of lot 47 of said block 3; thence departing said north line of Wise Avenue in a southerly direction along a line parallel to said Hereford Street 50.00 feet to the south line of said Wise Avenue, said point being the northeast corner of lot 25 of block 1 of Boulevard and Park Subdivision in City Block 3996; thence along said southern line of Wise Avenue in a westerly direction 140.00 feet to the west line of said Hereford Street, said point being the northwest corner of lot 28 of said block 1; thence along said west line of Hereford Street in a northerly direction 50.00 feet to the point of beginning and continuing 7,000 square feet (0.161 acres).

A tract of land being part of a 15 foot wide alley in block 3 of Boulevard and Park Subdivision in City Block 5592, City of St. Louis, Missouri and further described as follows:

Beginning at the intersection of the east line of Hereford Street, 50 feet wide with the north line of said 15 foot wide alley, said point being the southwest corner of lot 101 of said block 3, thence along the north line of said 15 foot alley in a westerly direction 140.00 feet to the southeast corner of lot 98 of said block 3; thence departing said north alley line in a southerly direction along a line parallel to said Hereford Street 15.00 feet to a point on the south line of said 15 foot wide alley and being the northeast corner of lot 47 of said block 3; thence along said south alley line in a westerly direction 140.00 feet to the west line of said Hereford Street, said point being the northwest corner of lot 44 of said block 3, thence along said west line of Hereford Street in a northerly direction 15.00 feet to the point of beginning and containing 2,100 square feet (0.048 acres).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioner is St. Louis University High School. Vacation will allow for consolidation of property for St. Louis University High School campus expansion. Petitioner is to construct a 40' right of way with a 24' wide street of asphalt and two 8' green spaces on either side of the street with sidewalk in the east green space only. This street will provide access from Berthold to Wise. It is to be dedicated to the City of St. Louis.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets and alley, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets and alley provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City

and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to

defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 731 days (two years) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/02/95	12/02/95	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
01/27/95			02/02/95	04/07/95
ORDINANCE	VETOED		VETO OVR	
63464				